

REMARKS

Claims 1-15 are pending in the application. In the Office Action, the lack of a power of attorney was indicated and it was noted that the information disclosure statement filed on January 13, 2003, did not comply with 37 CFR 1.97(d) because it lacked the appropriate fee. The corrected or substitute drawings were not accepted because the views and the reference numbers did not correspond to the specification.

On the merits, claims 1-5, and 11-13 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over the Kerper patent (U.S. No. 5,227,924), while claims 6-10 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Kerper patent in view of the Oishei patent (U.S. No. 1,938,541). Further, claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kerper patent. The Applicant respectfully requests the Examiner to reconsider these rejections in view of the amendments and the following remarks.

The Attorneys Of Record Notice:

The Applicant acknowledges the attorneys of record and submits herewith a new Power of Attorney authorizing the undersigned attorney and the other designated attorneys to represent the Applicant.

The Information Disclosure Statement Objection:

The Applicant acknowledges the objection to the filed information disclosure statement relative to the lack of an appropriate fee. In response, the Applicant authorizes payment of the fee from Deposit Account No. 50-0476 and respectfully requests the Examiner to consider the information disclosure statement and the cited references.

The Drawing Objection:

The Applicant acknowledges the objection to drawings and withdraws them from consideration. In this respect, the original Figures 1-6 are retained in this application.

The Section 102(b) Claim Rejections:

Claims 1-5, and 11-13 were rejected under 35 U.S.C. § 102(b) as being unpatentable over the Kerper patent (U.S. No. 5,227,924). The Applicant respectfully traverses these rejections.

Claim 1 recites a rear view mirror assembly having a mirror head for attachment to a vehicle support bracket. This mirror head includes an interior surface for defining an interior chamber and a periphery shaped for receiving a mirror. The assembly further includes a clamping means for attaching the mirror head to the vehicle support bracket. This clamping means includes a socket means that is positioned within the interior chamber of the mirror head. The socket means defines a socket for receiving an end portion of the vehicle support bracket.

The socket means generally includes an endwall portion of the mirror head, a clamping plate for attachment to the endwall portion, and a tightening means for forcing the endwall portion and the clamping plate towards each other. The tightening means is utilized for forcing the clamping plate and the endwall portion towards one another so as to press fit the end portion of the vehicle mounting bracket therebetween. In that regard, the tightening means can prevent the mirror head from turning relative to the end portion of the vehicle mounting bracket. The tightening means is at least partially disposed exterior to the interior chamber and is actuated from outside the mirror head and its interior chamber. In this way, the present invention allows a fully assembled rear view mirror assembly to be released from one fixed position, moved to a desired position, and then fixed in that position by externally actuating the tightening means.

The Kerper patent is directed to an adjustable rear view mirror assembly having internal fasteners for frictionally retaining the mirror in a predetermined position. Specifically, the Kerper patent (col. 4, lines 18-34) teaches screw elements 34 with intermediate springs 36 for mounting a clamp plate 26 to a backing plate. As illustrated in Figures 3 and 4, these screws 34 and springs 26 are entirely located within an interior chamber of the rear view mirror assembly. In that respect, no portion of those screws 34 is accessible from an exterior of the assembly. It also follows that those screws 34 can only be actuated from inside the interior chamber of the assembly. On the other hand, as mentioned above, claim 1 recites a tightening means that is partially disposed exterior to the interior chamber. Claim 1 further recites that the tightening means can be actuated from outside the interior chamber. The Kerper patent fails to teach or suggest these limitations. The advantages of these limitations include the ability to position the mirror assembly without having to remove the mirror from the mirror assembly and access the assembly's interior chamber. For these reasons, the Kerper patent substantially differs from the present invention, and therefore claim 1 is allowable.

Furthermore, the Examiner points to the Kerper patent for teaching the endwall portion having the socket and the opening. Specifically, the Kerper patent teaches a plate 24 having a semicircular cylindrical portion 54 utilized for receiving a cam element 28. The Kerper patent also teaches a separate housing element 16 having a sidewall opening 20 for receiving a support arm shaft 15. However, claim 1 recites a single element, namely the endwall portion, having both a socket and an opening formed therein. This construction minimizes the number of parts in the assembly thereby decreasing material costs, manufacturing cycle time, and manufacturing costs. In this regard, the Kerper patent fails to teach or suggest another limitation of the invention.

It is therefore respectfully submitted now and will be asserted on appeal that the Kerper patent fails to teach or suggest the several limitations of claim 1 and for that reason claim 1 is allowable. It is also submitted that claims 2-12, which depend from claim 1, are allowable for the same reasons as claim 1.

Independent claim 13 recites a construction having similar limitations to those recited in claim 1. Therefore, the Applicant respectfully refers to the arguments provided for claim 1 to establish that claim 13 is allowable.

The Section 103(a) Claim Rejections:

Claims 6-10 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kerper patent in view of the Oishei patent (U.S. No. 1,938,541). Also, claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kerper patent. The Applicant respectfully traverses these rejections.

Similar to the Kerper patent, the Oishei patent fails to teach an endwall portion having both a socket and an opening. In that regard, even if the proposed combination were made, it would not teach or suggest the invention. Thus, the Applicant submits that claims 6-10, 14, and 15 are nonobvious and allowable.

Claim 7 recites a second axial stem for connecting to the ball and attaching to the end portion of the vehicle mounting bracket. This construction is illustrated in Figure 2. However, neither the Oishei patent nor the Kerper patent teaches these limitations. For this additional reason, the proposed combination would not teach or suggest the invention, and claim 7 and claims 8-10, which depend from claim 7, are allowable.

Claim 8 recites that the socket means includes a plurality of ribs extending from the endwall portion to form a spherical cradle. In the second paragraph on page 3 of the Office Action, the Examiner points to the Kerper patent for teaching these limitations. However, upon close inspection of the Kerper patent, it is understood that the Kerper patent does not teach these limitations. Specifically, the

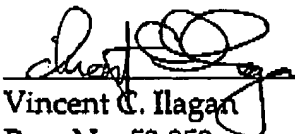
Kerper patent (Figure 1 and column 3, lines 33-39) teaches a plate 24 having a rearwardly projecting portion 52 with three semicircular cylindrical portions 54, 56, 58. Figure 1 illustrates that an intermediate ledge separates each cylindrical portion. However, it will be appreciated that these two ledges substantially differ from the plurality of ribs recited in claim 8. Furthermore, the cylindrical shape of the portions 54, 56, and 58 is substantially different from the spherical shape recited in claim 8. In this regard, the Kerper patent fails to teach or suggest additional limitations of claim 8. It is also submitted that the Oishei patent fails to teach or suggest these limitations. Thus, the Applicant respectfully submits that claim 8 and claims 9 and 10, which depend from claim 8, are allowable for these additional reasons.

Claim 10 recites that the plurality of ribs extends from the endwall proximate to the opening formed in the endwall. Neither the Kerper patent nor the Oishei patent teaches this limitation. Therefore, for this additional reason, claim 10 is allowable.

Claim 15 recites a dual mounting mirror having a clamping plate and a ribbed endwall for mating with the clamping plate and mounting the dual mounting mirror on either a ball mount or a shaft mount. Specifically, the clamping plate and the ribbed endwall have spherical portions, which together define a ball receiving socket for encapsulating a ball mount. In this way, the spherical portions can be utilized for attaching the dual mounting mirror to the ball mount. Moreover, the clamping plate and the ribbed endwall have sleeve portions for sandwiching a shaft mount therebetween and mounting the dual mount mirror thereto. None of the prior art references teaches or suggests this dual mount construction. Additionally, none of the prior art references teaches or suggests the end wall having ribs extending therefrom. Therefore, the Applicant respectfully submits that claim 15 is allowable.

In view of the foregoing amendments and remarks, the Applicant submits that all of the claims remaining in the case, namely claims 1-15, are allowable. The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 223-9500, if any unresolved matters remain.

Respectfully submitted,
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